

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 75-83 are pending in the application, with claim 75 being the independent claim. Claims 1-74 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 75-83 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Support for new claims 75-83 is found throughout the specification and in the originally filed claims.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Status of the Claims

Based on the election of species in reply to the last Office Action, the Office has limited the scope of the invention of the elected subject matter to compounds of Formula I, wherein

m is 1; n is 0; q is 0; r is 0; s is 1; p is 0;

A is -CH forming piperidine;

B is NNR^{15} and $\text{NNR}^{15}\text{C}(=\text{O})^*$, wherein R^{15} is H or alkyl, where the asterisk denotes attachment to R;

R is a substituted phenyl, wherein substituents R^{17} , R^{18} , R^{19} , R^{20} , and R^{21} are defined in claim 1;

R^8 is a substituted phenyl, wherein substituents R^{22} , R^{23} , R^{24} , R^{25} , and R^{26} are defined in claim 1;

E is $-(CR^{27}R^{28})_x-(CR^{29}R^{30})_y-$, wherein x is 1, and y is 0, and R^{27} and R^{28} are hydrogen as defined in claim 1; and the remaining substituents are defined as in claim 1.

Applicants disagree with the scope of the invention of the elected subject matter as defined by the Office. For example, the Office has not explained or indicated why certain groups were chosen for substituent B. The Office has stated that the bridging group B is NNR^{15} or $NNR^{15}C(=O)^*$. In the elected species, B is $NNR^{15}C(=O)$. It is not clear why only one additional substituent for B was added, and why that particular substituent was chosen.

Applicants respectfully submit that the groups allowed for substituent B be expanded. Applicants have cancelled claims 1-74. New independent claim 75 contains the limitations of original claims 1 and 8. Original claim 8 (and now claim 75) of the instant application recited that B is $NNR^{15}C(=O)^*$, $NNR^{15}SO_2^*R^{17}$, and $R^{15}C(=O)NR^{16*}$, wherein R^{17} , R^{18} , R^{19} , R^{20} and R^{21} are independently selected from hydrogen, halogen, haloalkyl and haloalkoxy. In the elected species R^{17} is hydrogen and R^{19} is haloalkoxy. Therefore, claim 75 covers the elected species.

Objection to the Specification

The Office has required amendment of the specification to add continuing data to which the instant specification claims benefit from. The specification has been amended to include benefit information. Withdrawal of this amendment is therefore respectfully requested.

Rejections under 35 U.S.C. § 112

The Office's rejection of claims 31-32 and 36-40 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite is respectfully traversed.

The Office has stated that the “term ‘second compounds’ lacks of definition and renders indefinite [sic].” Applicants respectfully disagree. The definiteness requirement is rooted in the policy that a potential infringer should understand the metes and bounds of the claims sufficiently to understand what activities would infringe the claim. The rejected claims therefore are definite because a potential infringer would understand that combining the compounds of claims 31-32 and 36-40 with a second compound would infringe the claims. Solely to expedite prosecution, the claims have been amended to specify that the second compound is at least one insecticide.

For the reasons described above, Applicants respectfully request withdrawal of the rejection.

Rejections under 35 U.S.C. § 102

The rejection of claims 1, 2, 6, 7, 16, 17, 21, 22, 31, 32, 36 and 37 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kuroyan et al., *Armyanskii Khimicheskii Zhrunal* 36(9):614-617 (1983) (“Kuroyan”) is respectfully traversed.

As indicated above, claims 1-74 have been cancelled, rendering this rejection moot. New independent claim 75 contains the limitations of claim 1, where m is 1 and n is 0, and of claim 8. Claim 8 does not stand rejected under 35 U.S.C. § 102(b); the rejection is therefore moot. Each of the remaining claims depends from newly added claim 75. The rejection under 35 U.S.C. § 102(b) therefore is not applicable to the dependent claims either.

Further, in each of the compounds recited in Kuroyan, R17 and R19 are each nitro. New claim 75 of the instant application recites that both R17 and R19 are independently hydrogen, halogen, haloalkyl and haloalkoxy.

In order to anticipate a claim, a reference must contain each limitation of that claim. Kuroyan does not anticipate the presently amended claims of the present invention because Kuroyan does not contain each limitation of those claims.

Withdrawal of the rejection under 35 U.S.C. § 102(b) is therefore respectfully requested.

Rejections under 35 U.S.C. § 103

The rejection of claims 1, 2, 3, 6, 7, 16, 17, 21, 22, 36 and 37 under 35 U.S.C. § 103 as allegedly unpatentable over Kuroyan is respectfully traversed. As indicated above, claims 1-74 have been cancelled, rendering this rejection moot with respect to those claims. New independent claim 75 contains the limitations of claim 1, where m is 1 and n is 0, and of claim 8. Claim 8 does not stand rejected under 35 U.S.C. § 103; the rejection is therefore moot with respect to these claims. Each of the remaining claims depends from newly added claim 75. The rejection under 35 U.S.C. § 103 therefore is not applicable to the dependent claims either.

Withdrawal of the rejection under 35 U.S.C. § 103 therefore is respectfully requested.

Conclusion

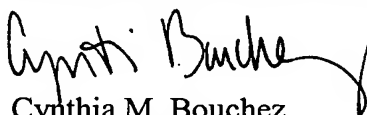
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be

withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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